

The 21st May, 1986

No. 9/7/86-6 Lab./3829.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. The Sonapat Cooperative Sugar Mill Ltd., Sonapat.

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 51 of 84

between

SHRI SURESH CHANDER SHARMA, WORKMAN AND THE MANAGEMENT OF M/S. THE SONEPAT CO-OPERATIVE SUGAR MILL LTD., SONEPAT

Present :—

Shri S.S. Gupta, A.R., for the workman.

Shri Vijender Singh, A.R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Suresh Chander Sharma and the management of M/s. The Sonapat Co-operative Sugar Mill Ltd., Sonapat, to this Court, for adjudication,—vide Haryana Government Gazette Notification No. 14210—15, dated the 5th April, 1984. :—

Whether the termination of services of Shri Suresh Chander Sharma is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Boiler Attendant on 11th September, 1982 on monthly wages of Rs. 792 and that the respondent chose to terminate his services unlawfully on 8th October, 1983 in flagrant disregard of the provisions of section 25F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act), because no retrenchment compensation or any prior notice was given to him.

3. In the reply filed by the respondent, preliminary objections taken are that the respondent has not been properly arrayed as a party in this case and since services of the petitioner were terminated during the probation period, because his work and conduct was not satisfactory. More so, his services could be dispensed with at any time without assigning any reason as per the stipulation in the order of appointment. So, the validity of the termination order is asserted.

4. On the pleadings of the parties, the following issues was settled for decision by me on 2nd January, 1985 :—

1. Whether the termination of services of Shri Suresh Chander Sharma is justified and in order ? If not, to what relief is he entitled ?

5. The petitioner himself appeared as WW-1 and the respondent examined Shri Raghubir Singh, establishment clerk as MW-1.

6. Heard.

Issue No. 1 :—

7. On behalf of the respondent it was vehemently argued that since the petitioner was on probation and furthermore his services could be dispensed with at any time without assigning any reason, the order of termination is unassailable. On both these grounds the respondent must fail. The Hon'ble Supreme Court in a recent authority reported in 1984 (48) Indian Factories and Labour Reports 89 between the management of Karnataka State Road Transport Corporation, Bangalore and M. Boraiah and another went into the real import of the term "retrenchment" as defined in section 2(oo) of the said Act. Their Lordships observed as under :—

"To protect the weak against the strong this policy of comprehensive definition has been effectuated. Termination embraces not merely the act of termination by the employer, but the fact of termination howsoever produced". We are inclined to hold that the stage has come when the view indicated in Money's case has been "absorbed into the consensus" and there is no scope for putting the clock back or far an anti-clockwise operation. Once the conclusion is reached that retrenchment is defined in Section 2(oo) of the Disputes Act covers every case of termination

of service except those which have been embodied in the definition, discharge from employment or termination of services of a probationer would also amount to retrenchment. Admittedly the requirements of Section 25F of the Disputes Act had not been complied with in these cases.”.

In the authority under reference, the petitioner was on probation and his services were dispensed with on the ground of unsuitability. In the present case also, the allegations are that the work and conduct of the petitioner was not found satisfactory and so, his services were terminated during the probation period. This plea on behalf of the respondent seems to be palpably false, because on behalf of the petitioner my attention has been drawn to Ex. W-2 an order issued by the respondent granting increment to the petitioner after completion of one year service. That was done on 12th September, 1983 and surprisingly services of the petitioner were terminated within less than one month of the said order. On this point also, reference can be made to 1983 Supreme Court Cases (Labour and Services) 303 Ajit Singh and others *versus* State of Punjab and others. In this authority also, services of the petitioner were terminated on the ground of unsatisfactory performance though earlier the management chose to grant increment to the petitioner. In the present case, the facts are similar. Under these circumstances, there is not difficulty in holding that the order of termination passed in this case was absolutely arbitrary, illegal and the same was passed in gross violation of the provisions of section 25-F of the said Act, because termination of services of the petitioner squarely falls within the ambit of term “retrenchment” as defined in section 2(oo) of the said Act. Admittedly the petitioner has completed more than 240 days of actual work with the respondent without any break. So, the petitioner is ordered to be reinstated with continuity of service and full back wages, because the demand notice was raised by the petitioner within two days of his termination. The reference is answered and returned accordingly with no order as to costs.

Dated the 7th April, 1986.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bhiwani.

Endst No. 51-84/587, dated the 21st April, 1986.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court Bhiwani.

The 19th June, 1986

No. 9/8/86-6Lab./4632. - In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Nibro Limited, Delhi Road, Gurgaon.

IN THE COURT OF SHRI R.N. SINGAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 291 of 1985

between

SHRI RAM ASHISH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S.
NIBRO LIMITED, DELHI ROAD, GURGAON

Present.—

Shri Raghubir Singh, for the workman.

Shri M.P. Gupta, for the respondent management.

AWARD

This industrial dispute between the workman Shri Ram Ashish and the respondent-management of M/s. Nibro Limited, Delhi Road, Gurgaon, has been referred to this Court by the Hon'ble Governor of Haryana,—

vide his order No. ID/FD 31, 85/21733-38, dated 17th May, 1985 under Section 10(i)(c) of the Industrial Disputes Act, 1946 for adjudication. The terms of the reference are :—

Whether termination of services of Shri Ram Ashish was justified and in order ? If not, to what relief is he entitled ?

According to the claim statement, the workman was *vide* President of the Nibro Employees Association. The management framed the baseless chargesheet so that the trade union activities of the union could be wounded up. In the enquiry opportunity was granted of being represented. The workman was not allowed to be represented by Shri Darshan Singh or Shri Prithvi Singh, Advocate. The enquiry officer did not listen the workman. The evidence lead by the workman is not on record. The statement of the workman is not on record. Enquiry officer incullision with the management, gave false findings. The workman has maritorious record. He has been victimised due to trade union activities. The chargesheet was not issued by the authorised person. Hence the workman has prayed to be reinstated with full back wages and continuity of services.

This claim of the workman has been contested by the management. Objection is taken that the reference is bad. That the claim statement is vague. It is contended that the chargesheet was genuine and bonafide. It is denied that he was chargesheeted because of his union activities. It is further contended that the request of the workman to be represented by Shri Prithvi Singh or by Shri Darshan Singh was not granted in accordance with the standing order of the company. Previously one Shri S.C. Chopra was appointed as enquiry officer, but in view of the objection of the workman, Shri Wadehra was appointed as enquiry officer. It is further stated that the enquiry was fair and proper. The workman was directed to produce his evidence but he did not produce his witness. Other averments are also denied.

The workman has filed the rejoinder denying the averments raised by the management. The reference was contested on the following issues :—

1. Whether the enquiry was fair and proper ?
2. As per reference ?

I have heard the representative of both the parties and gone through the evidence on record. My findings on the issues are as under :—

Issue No. 1 :

The first objection raised by the authorised representative of the workman is that he was not allowed to be represented by Shri Darshan Singh or Shri Prithvi Singh Yadav, Advocate. It has been admitted by the enquiry officer Shri Wadehra that the workman was not allowed to be represented by these two persons as there was no such provisions in the standing orders. According to rule 25.4(a) at page 12 of the standing order of the Company, the workman may be assisted by any other workman of choice of the workman. Shri Prithvi Singh was an advocate and Shri Darshan Singh was not a workman of the factory. Hence the workman was not allowed to be represented by these two persons. The workman did not take help of any workman to be represented. The representative of the workman has relied upon the judgement of Bombay High Court in *Ghatge Patil Transport Private Ltd., versus B.K. Etale and others*; 1984-II-LLJ-page 121. In this case the delinquent workman is pitted against the legally trained mind and it was held that refusal to grant permission to appear through legal practitioner would amount to denial of justice and essential principles of natural justice would be violated. In the present case, the management was represented by Shri Ravi Verma. There was no evidence that he was legally trained person. Hence it cannot be said that the rules of natural justice were violated by not allowing the representation by Shri Prithvi Singh Yadav and Shri Darshan Singh. It is contended that the chargesheet is dated 8th October, 1984 whereas the notice was issued to him regarding the chargesheet dated 26th October, 1984. The enquiry officer was also appointed for 26th October, 1984. Hence no proper enquiry was conducted. The workman has admitted that enquiry was conducted regarding the chargesheet dated 8th October, 1984. It is only a clerical mistake that the date as 26th October, 1984 has been mentioned in some documents instead of 8th October, 1984. Whereas in fact it related to chargesheet dated 8th October 1984. Objection is taken that according to chargesheet, the workman mis-behaved with Shri Man Singh and Shri Harish Dhawan, but both the witnesses were not examined in the enquiry. Hence the chargesheet does not stand proved. This contention of the representative of the workman has no force because Abdul Slam Supervisor has appeared. He had chided Shri Man Singh and Harish Dawan to explain some defect and the workman had mis-behaved in his presence. Shri Abdul Slam has not been cross examined by the workman. It shows that the evidence is rebutted and there is no reason to disbelieve him. Moreover, then second offence of the same day, the workman had mis-behaved with Shri Abdul Slam. The next contention of the representative of the workman is that the enquiry report must be on speaking order. Reliance has been placed on the judgement of Hon'ble Supreme Court of India in *Anil Kumar versus Labour Court, Jullundur*; FJR-Vol; 67 page 85. I had perused the enquiry report Exhibit M-5. The statement of Shri Abdul Slam has been clearly discussed and there was no other evidence to be discussed and it cannot be said that it is not a speaking order. It is contended that mention has been given of a particular abuse, whereas Shri Abdul Slam has not repeated that abuse in his statement. This mistake does not prove that the enquiry officer did not apply his mind. This abuse is mentioned in the chargesheet. Hence it is a bonafide mistake. It is contended

that according to rule 25.4(g) of the standing order, the previous record of the workman should have been considered before dismissing him. In my opinion this was not mandatory to consider the previous record before dismissing the workman. It is correct that his previous record could be seen before taking action. In view of the above arguments, I find that the enquiry was fair and proper and no prejudice has been caused to the workman.

Issue No. 2 :

It is contended that according to chargesheet Exhibit M-2, the mistake was not so grave that the workman should have been punished with the extreme punishment of dismissal. According to the chargesheet at 8.35 a.m. on 6th October, 1984, the workman along with other 12 persons came in the Cutting Department. Where Shri Harish Dhawan and Shri Man Singh have been called by Shri Abdul Slim for checking. The workman abused Shri Harish Dhawan and Shri Man Singh and said that they did not want to see their faces and in the second incident on the same day at 3.00 p.m. that he abused Shri Abdul Slim when he was coming from office. The representative of the management has relied upon rule 17 and 19 of the standing orders. According to rule 17 it is a major misconduct and according to rule 19 the workman interfering the work of other workman is a misconduct. He has further contended that in one case the workman blew whistle and called upon the workmen to stop work and Supreme Court has held his dismissal as valid. In this case, the workman did not prevent Shri Man Singh and Harish Dhawan from performing duty. He had abused them and said that he did not want to see their faces. No reason has been given and it was not mentioned in the charge-sheet that it was done to prevent them to perform duty. Hence the charges were not serious as to invite with the extreme punishment of dismissal. Reliance has been placed on the judgement of Hon'ble Supreme Court in *Rama Kant Misra versus State of U.P.* 1983-FJR-Vol. 62 page 100 it has been held that where the misconduct of the workman consisting of use of abusive and threatening language towards an other workman, accused workman having 14 years unblemished service and not resorting to any positive action subsequently. It was held that dismissal would be unjustified. The punishment was substituted by withholding two increments. In view of the above-said judgement, the punishment of dismissal in the present case is illegal and unjustified. There is no evidence of the previous misconduct of the workman. In the present case, the mistake of the workman is slightly grave because of subsequent misconduct with Shri Abdul Slim. Hence I feel that ends of justice will be met if the workman is reinstated with continuity of service but with half back wages. The award is given accordingly.

R. N. SINGAL,

Dated 4th April, 1986.

Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 1203, dated 8th May, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the I.D. Act.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

The 2nd July, 1986

No. 9/8/86-Lab./4917.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Hind Mazdoor Sabha, 29, Neelam Chowk, Faridabad:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 446/1985

between

SHRI VISHAV NATH, C/O HIND MAZDOOR SABHA, 29, NEELAM CHOWK, FARIDABAD
AND

The MANAGEMENT OF M/S. GURERA GAS CYLINDERS PVT. LTD., PLOT 133, SECTOR 24,
FARIDABAD

Present :—

Shri Manohar Lal, for the workman.

Shri J. S. Saroha, for the respondent-management.

AWARD

This Industrial Dispute between the workman Shri Vishav Nath and the respondent-management of M/s. Gurera Gas Cylinders Pvt. Ltd., 133, Sector 24, Faridabad has been referred to this Court by the Governor of Haryana,—vide his order No. ID/FD/31549-54, dated 26th July, 1985, under section 10 of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Vishav Nath was justified and in order? If not, to what relief is he entitled?

According to the demand notice, the workman was employed two years before at Rs. 525 p.m. not give any complaint to the management. The workers formed a union and the claimant was the Secretary of the union. The management pressurised the workman to dis-band the union. Hence workman was stopped from work on 18th November, 1984 without any reason. It is alleged that it is illegal, against the law and against the principles of natural justice. The workman has asked for reinstatement with continuity of service and with full back wages.

The management had contested this demand notice. Preliminary objection has been taken that notices of the claimant had not been terminated by the management. The claimant remained absent for more than 10 days. Hence he had abandoned the job himself. Terms of Model Standing Orders of 1947 are applicable to the respondent company. It is alleged that he was appointed on 25th July, 1983. It is denied that he was victimised due to any union activities. He remained absent from 18th November, 1984. Recall notices were sent to him on 28th November, 1984 and 11th December, 1984 asking him to join duty. It was presumed that he was no longer interested in the service and had abandoned the job and hence he was not entitled to any retrenchment compensation.

In the rejoinder, the workman has denied the averment raised by the management. The parties have asked the reference on the following issues:—

1. Whether the claimant has abandoned the job of his own accord and the reference is bad in law?

2. AS PER REFERENCE?

I have heard the representative of both the parties and gone through the evidence on record. My findings on the issues are as under:—

Both the issues are interconnected and hence decided together.

1. 1 & 2:—

The workman has contended that he was not allowed to join duty on 18th November, 1984. This contention of the workman is wrong. The witness of the workman namely WW-2 Shri Shiv Kumar has admitted that the workman was present on 22nd November, 1984 and 23rd November, 1984. Therefore, clear that his services were not terminated on 18th November, 1984 as alleged by him. Workman has alleged that he went to join duty on 19th November, 1984 and very day afterwards. Contention also becomes false. He has not stated that he had gone to join duty after 24th November, 1984 and afterwards. It is contended by the workman that he had made complaint Ex. W-2, and W-3 that he was not being joined on duty. These complaints have not been proved by workman. He had admitted that he had not been written any letter to the management that he had not taken no duty. No reason has been given why he kept silent for 2/3 months when demand notice was served. It shows that the workman remained silent from 24th November, 1984 to 8th February, 1985. The management had contended that the workman was issued recall notice Ex. M-4 dated 8th December, 1984 through registered post and Ex. M-4 through UPC. Both the letters were returned un-served that the address was incomplete. Reliance is placed that the address mentioned in Ex. M-1 was given on these letters. Application form Ex. M-1 has been admitted by the workman. The address mentioned the address as Azad Nagar Colony, Sector 4, Faridabad. But in these letters Sector 4 has been mentioned. It is, therefore, clear that complete address was not given. Recall notice dated 28th November, 1984 Ex. M-4 was also written to the worker, under UPC Ex. M-10. The address mentioned in this is correct according to ESI form of the workman which is Ex. M-3. It was not required to send recall notice to the workman but still it is proved that one recall notice dated 28th November, 1984 which is Ex. M-4 had been written to the worker through UPC Ex. M-10. But the workman did not report for duty. Under Rule 16(4) of Model Standing Orders which are applicable to the respondent, if a workman absents for more than 10 days he is deemed to have left the service. In present case the workman remained absent from 24th November, 1984 till the date of termination. He did not turn up for duty inspite of recall notice. He is deemed to have left the service of his own accord. It is held by the Hon'ble Supreme Court in National Engineering Industries Ltd., Vs. Hanuman Prasad, IC Vol. I, page 3. It is held as follows:—

“Where a standing order provides that a workman would lose lien on his appointment if he does not join duty within certain time after his leave expires it only means that his service stands automatically terminated when the contingency happens.”

It has also been held by our Hon'ble High Court in Freewheel Pvt. Ltd., V/s. FIR 64 page 340 that if the workman remained absent for 10 days. He is deemed to have left the lien under the certified standing orders. The standing orders have the force of law. In the present case Model Standing Orders are applicable. The claimant is deemed to have left the lien of service under rule 16(4) by remaining absent from 24th November, 1984 to 25th January, 1985. A letter was written to him that it will presume that he was not interested in the job. He was also advised to collect his dues.

The next contention of the representative of the management is that appointment letter Ex. M-2 was given to the workman. It was admitted by him. It has been mentioned in para No. 1 of the appointment letter that he was appointed from 1st December, 1983. The vacancy has occurred due to unusual pressure of work which is likely to last upto November, 1984. It has been mentioned in para No. 2 that his services will automatically terminate on the expiry of this period. It is further written that his services be dispensed with at any time during this period without any notice or assigning any reasons. Relying of these two terms, it is contended that he was appointed only upto November, 1984. His contract was not renewed afterwards. Hence termination was done during the period of contract. It is admitted by both the parties that Section 2 (oo)(bb) which came into force on 18th August, 1984 is a provision of Section 25-F of the I. D. Act. In this case the contract of service of the workman was not renewed after 30th November, 1984. The workman did not turn up for duty which clearly shows that he himself considered the end of his service after the expiry of contract period. In view of the above discussion I find that services of the workman were never terminated. He had himself abandoned the job. He is not entitled to any relief.

The award is given accordingly.

R. N. SINGAL,

Dated the 21st May, 1986.

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1316, dated the 24th May, 1986.

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R.N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

The 24th July, 1986

No. 9/6/86-6Lab/5295.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Janta Free Hospital, Panipat.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 208 of 1985

between

SHRI RAJINDER SINGH, WORKMAN AND THE MANAGEMENT OF MESSRS JANTA
FREE HOSPITAL, PANIPAT

Present:—

None for workman.

None for respondent.

AWARD

The Hon'ble Governor of Haryana, in the exercise of its powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Rajinder Singh, workman and Messrs Janta Free Hospital, Panipat to this Court. The terms of the reference are as under:—

“Whether termination of services of Shri Rajinder Singh workman, is justified and correct, If not, to what relief is he entitled?”

31

Workman through statement of claim alleged that he has been serving respondent-management since 1st March, 1984 to the entire satisfaction of the respondent. On 12th April, 1985 his services were terminated in un-lawfully without any charge-sheet enquiry notice or retrenchment compensation in violation of section 25 (F) of Industrial Disputes Act, 1947. He prayed that he be reinstated with continuity in service and with full back wages.

Respondent-management was served, in spite of service. It did not appear proceeded *ex parte*. The case was fixed for *ex parte* evidence. On 24th January, 1986 respondent appeared filed an application for setting aside *ex parte* proceedings. The application was allowed and the case was posted for filing claim statement which was submitted by the workman. Later on the case was fixed for filing reply for 17th April, 1986. On that day again respondent-management absented and it was proceeded *ex parte*. Case was fixed for *ex parte* evidence for 16th May, 1986. Today neither workman nor his A. R. appeared, so the reference is dismissed in default.

V. P. CHAUDHARY,

Dated, the 16th May, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1418, dated the 23rd May, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab/5296.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Tigar Rubber Industries, Kunj pura Road, Karnal.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 54 of 1985

'between

SHRI RAM CHANDER, WORKMAN AND THE MANAGEMENT OF MESSRS TIGAR
RUBBER INDUSTRIES, KUNJPURA ROAD KARNAL

Present:

None, for the workman.

None for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Ram Chander workman and Messrs Tigar Rubber Industries Kunjpura Road, Karnal to this Court. The terms of the reference are as under:—

Whether the termination of services of Shri Ram Chander, workman is justified and correct?
If not, to what relief is he entitled?

Workman through his demand notice alleged that he was in the service of respondent-management for the last one year at monthly wages of Rs. 400. His services were terminated on 18th September, 1984 in violation of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management was served, in spite of, service. It did not appear and on the same day i. e., 19th May, 1986 neither workman nor his A.R. appeared. So the reference is dismissed in default.

V. P. CHAUDHARY,

Dated the 19th May, 1986.

Presiding Officer,
Labour Court, Ambala,

Endorsement No. 1419, dated the 23rd May, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./5297.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Jayanti Timber, Saharanpur Road, Yamuna Nagar (ii) Yamuna Udyog, Saharanpur Road, Yamuna Nagar.

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 376 of 1984

(Old No. 33 of 1982)

SHRI SATISH KUMAR WORKMAN AND THE MANAGEMENT OF MESSRS JAYANTI
TIMBER, SAHARANPUR ROAD, YAMUNA NAGAR (II) YAMUNA UDYOG,
SAHARANPUR ROAD, YAMUNA NAGAR.

Present:—

None for workman.

Shri S. Bindra and Sh. W. C. Sharma, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Satish Kumar and Messrs Jayanti Timber, Yamuna Nagar etc. originally to Labour Court, Faridabad. The terms of the reference are as under:—

Whether termination of services of Shri Satish Kumar was justified and in order? If not, to what relief is he entitled?

Labour Court at Ambala was constituted in April, 1984 so this reference was received by transfer.

Workman through his statement of claim alleged that he has been serving the respondent-management as a Mistri since long time. His services were terminated un-lawfully in violation of section 25 (F) of Industrial Disputes Act, 1947. He has prayed for his reinstatement with continuity of service and with full back wages.

Respondent-management contested the reference and contended that the reference is bad for mis-joinder of parties. It was further contended that Messrs Jayanti Timber industries is not Industry. There is no relationship of employer and employee between the parties. It was also contended that Shri Satish Kumar was not employed with the Respondent No. 1. So question of termination of his services does not arise. It was further contended that during the Conciliation proceedings it was urged by Satish Kumar that he was not employed with Respondant No. 1. This fact was also submitted by him in writing to the Conciliation Officer, Yamuna Nagar and it was also made clear on behalf of respondent No. 1 that Nand Kishore is the sole Proprietor of Jayanti Timber Industry. Respondent No. 2 also filed separate written statement and controverted the allegations of the workman.

On the pleadings of the parties issues were framed. Evidence was recorded. Today the case was fixed for workman evidence but neither workman nor his Authorised Representative appeared. Shri Subhash Bindra and Shri Wazir Chand Sharma represented the respondent. So the reference is dismissed in default.

Dated the 21st May, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endorsement No. 1423, dated the 23rd May, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./5298.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Varn Forgings, Industrial Area, Yamuna Nagar.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 248 of 1985

between

SHRI CHANDERKA, WORKMAN AND THE MANAGEMENT OF MESSRS
VARN FORGINGS, INDUSTRIAL AREA, YAMUNA NAGAR

Present :

Shri Balbir Singh for workman.

Shri S. Bindra for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Chanderka workman and Messrs Varn Forgings, Industrial Area, Yamuna Nagar to this Court. The terms of the reference are as under:—

“Whether the termination of services of workman Chanderka is justified and in order?
If not, to what relief is he entitled to?”

Chanderka through his demand notice alleged that he had been in the service of respondent-management as a Helper for the last five years at the monthly wages of Rs 385. On 24th April, 1985 his services were terminated in violation of section 25 (F) of Industrial Disputes Act, 1947. He has prayed for his reinstatement with continuity in service and with full back wages.

Notice of this claim was served upon the respondent-management. Management contested the dispute during the pendency of trial of this dispute parties reached an amicable settlement according to that management shall pay a sum of Rs. 1250 in all to the workman and shall not recover Rs. 500 of advance which is due towards the workman. On receipt of Rs. 1250 the workman shall waive his all other reliefs claimed in the statement of claim.

In view of the terms of above compromise the dispute between the parties stands disposed of I pass award regarding the controversy between the parties accordingly.

Dated the 21st May, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 1430, dated 23rd May, 1986.

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6 Lab/5299.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s. Executive Engineer, Sub-Urban (Operation) Division, Haryana State Electricity Board, Jagadhri :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 346 of 1984

SHRI SURINDER SINGH, WORKMAN AND THE MANAGEMENT OF
MESSRS EXECUTIVE ENGINEER, SUB-URBAN (OPERATION) DIVISION,
HARYANA STATE ELECTRICITY BOARD, JAGADHRI.

Present:

None for workman.

Shri Subhash Bindra for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Surinder Singh, workman and Messrs H.S.E.B. originally to Labour Court, Faridabad. The terms of the reference are as under :—

Whether termination of services of Shri Surinder Singh, workman, was justified and in order? If not, to what relief is he entitled?

Labour Court at Ambala was constituted in April, 1984. So this reference was received by transfer.

Workman through this demand notice agitated that he was in the service and respondent-management. His services were terminated on 30th November, 1982 in violation of section 25 (F) of Industrial Disputes Act, 1947. He has prayed for his reinstatement with continuity of service and with full back wages.

Notice was served upon respondent-management. It contested the dispute and contended that the reference is bad for non-joinder of necessary parties. It was also contended that services of workman was less than 240 days, so provisions of section 25 (F) of Industrial Disputes Act, 1947 are not attracted.

It was further contended that workman was employed on 20th March, 1982 and remained in service up to 19th November, 1982. As soon as the works and material were exhausted, services of workman automatically come to an end.

On the pleadings of parties the issues were framed. Thereafter parties took dates for compromise. Today the case was fixed for compromise, but neither workman nor his A. R. appeared. Respondents were represented by Shri Subhash Bindra, so this reference is dismissed in default.

Dated, the 21st May, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endorsement No. 1431, dated the 23rd May, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6 Lab./5300.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Parkash Enterprises, Kuldip Nagar, Ambala Cantt.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 4 of 1986

SHRI RAM LAL, WORKMAN AND THE MANAGEMENT OF M/S PARKASH
ENTERPRISES, KULDIP NAGAR, AMBALA CANTT.

Present.—

Shri Rajeshwar Nath for the workman.

Shri R.L. Gupta for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—vide clause (c) of sub-section i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Ram Lal and M/s Parkash Enterprises, Kuldip Nagar, Ambala Cantt. to this Court. The terms of the reference are as under :—

Whether termination of services of Shri Ram Lal, workman, is justified and correct, if not, to what relief is he entitled ?

Workman through his demand notice alleged that he has been in the service of respondent-management for the last twenty years. During the work of welding he sustained burn injuries due to that fact he demanded some monetary help for his treatment from the respondent-management. On that account the respondent-management dispensed with his services without any notice and retrenchment compensation. So he prayed that he be got reinstated with continuity in service and with full back wages.

Respondent-management appeared, contested the dispute, on the pleadings of the parties issues were framed. The case was fixed for evidence of workman for 6th July, 1986. Today Shri Rajeshwar Nath, Authorised Representative of workman submitted compromise Ex-C-1 and made statement that workman has received a sum of Rs. 3000 in lump sum from the respondent-management in full and final settlement. Receipt to this effect is Ex-C-2. He also stated that the workman has no further dispute of any kind with the management.

In view of the statement of Shri Rajeshwar Nath, authorised representative of workman and compromise is Ex-C-1 as well as receipt Ex-C-2. The reference is allowed as per compromise on payment of Rs. 3000. I pass award on the basis of compromise Ex-C-1 regarding the dispute in hand between the parties accordingly.

Dated, the 12th May, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endorsement No. 1345, dated 12th May, 1986.

Forwarded (four Copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-Lab./5404. — In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Sunil Rice Mills, Ferozepur, road, Siwan.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Ref. No. 23 of 1985

SHRI RAM TAJ, WORKMAN C/O SHRI INDER SAIN BANSAL, JAGADHRI AND THE MANAGEMENT OF THE MESSRS SUNIL RICE MILLS, FEROZE PUR ROAD, SIWAN.

Present:—

None for the workman.

None for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause(c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Ram Taj and Messrs Sunil Rice Mill, Siwan to this Court. The terms of the reference are as under :—

"Whether termination of services of Shri Ram Taj, workman, is justified and correct, if not, to what relief is he entitled?"

workman through his demand notice dated 15 th July, 1984 alleged that he had been in the service of respondent-management for the last two years as a Head Mistri and had been working to the entire satisfaction of the respondent-management. On 24th March, 1984 respondent-management terminated his services in violation of section 25 (F) of Industrial Disputes Act, 1947.

Notice of this dispute was served upon the respondent-management but the respondent did not appear to contest the dispute. Thereafter an application was received from the workman for addition of additional respondent on the basis of the same the amendment was allowed and thereafter Messrs Sunil Rice Traders, Siwan through Shri Anil Kumar S/o Shri Ved Parkash was summoned but also did not appear, inspite of service. So *ex parte* proceedings were taken up against the respondent-management.

The reference was fixed for recording of *ex parte* evidence for 20th May, 1986 but neither workman nor his A. R. appeared, nor any witness was produced, so the reference is dismissed in default.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Dated, the 20th May, 1986.

Endst. No. 1472, dated 27th May, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.